

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

BRIAN BYRNES,)	
)	
Plaintiff,)	Civil Action No. 06-249J
)	
v.)	Judge Gibson
)	Magistrate Judge Caiazza
MANDY BISER, <i>et al.</i> ,)	
)	
Defendants.)	

MEMORANDUM ORDER

Brian Byrne's complaint pursuant to 42 U.S.C. §1983 was received by the Clerk of Courts on November 24, 2006, and was referred to United States Magistrate Judge Francis X. Caiazza for pretrial proceedings in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The Magistrate Judge's Report and Recommendation, filed on September 11, 2007, recommended that the Defendants' Motion to Dismiss be granted. The parties were allowed ten days from the date of service to file objections. Service was made on the Plaintiff by First Class United States Mail delivered to his place of incarceration, the State Correctional Institution at Somerset, Pennsylvania. Objections were due on or before September 27, 2007. No objections have been filed.

After de novo review of the pleadings and documents in the case, together with the Report and Recommendation, the following order is entered:

AND NOW, this 22nd day of October, 2007,

IT IS HEREBY ORDERED that the Defendants' Motion to Dismiss
(Doc. 8) is GRANTED.

The Report and Recommendation of Magistrate Judge Caiazza,
(Doc. 15), dated September 11, 2007, is adopted as the opinion of
the court. The Clerk is directed to mark this case CLOSED.

A handwritten signature in black ink, appearing to read "Kim R. Gibson". The signature is written in a cursive, flowing style with a horizontal line underneath.

Kim R. Gibson
U.S. District Court Judge

CC:
BRIAN BYRNES, DZ-8707
SCI Somerset
1600 Walters Mill Road
Somerset, PA 15510